

jc375 U.S. PTO  
02/22/99

Practitioner's Docket No. 297-005754-US(REI)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Date: \_\_\_\_\_

Assistant Commissioner for Patents  
Washington, D.C. 20231

02/23/99  
jc612 U.S. PTO  
09/25/325

**REISSUE APPLICATION TRANSMITTAL**

Transmitted herewith is the application for reissue of U.S.

Utility Patent     Plant Patent     Design Patent  
No. 5,640,395    Issued on June 17, 1997

Inventor(s): Jari Hamalainen, Zhi Chun Honkasalo, Harri Jokinen

Title: SYSTEM FOR TRANSMITTING PACKET DATA IN DIGITAL CELLULAR TIME DIVISION  
Enclosed are the following: MULTIPLE ACCESS (TDMA) AIR INTERFACE

**1. Specification, claim(s) and drawing(s) (37 C.F.R. § 1.173)**

- (a)  10 page(s) of specification  
 9 page(s) of claims  
 1 page(s) of abstract

NOTE: This must include the entire specification and claims of the patent, with the matter to be omitted by reissue enclosed in square brackets. Any additions made by the reissue must be underlined, so that the old and new specifications and claims may be readily compared. Claims should not be renumbered. The numbering of claims added by reissue should follow the number of the highest numbered patent claim. No new matter shall be introduced into the specification. (37 C.F.R. § 1.173).

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***

(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this Reissue Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date February 22, 1999, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EI067101261US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

June Adams

(type or print name of person mailing paper)

June Adams

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. § 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Reissue Application Transmittal [17-1]—page 1 of 6)

(b)  \_\_\_\_\_ sheet(s) of drawing (drawings amended)

- Formal
- Informal

NOTE: "Amendments which can be made in a reissue drawing, that is, changes from the drawing of the patent, are restricted." 37 C.F.R. § 1.174(b).

No changes in the drawings, upon which the original patent was issued, are to be made. Therefore, in accordance with 37 C.F.R. § 1.174(a), please find attached, in the size required for original drawings:

a copy of the printed drawings of the patent.

a photoprint of the original drawings.

A letter requesting transfer of the drawings from the original patent file to this reissue application is attached.

**2. Declaration and power of attorney**

7 pages of declaration and power of attorney

**3. Preliminary amendment**

(check, if applicable)

Attached

**4. Offer to surrender the original letters patent in accordance with 37 C.F.R. § 1.178 is attached.**

Offer to surrender is by the inventor

along with assent of assignee.

Offer to surrender is by the assignee of the entire interest (and the reissue application does not seek to enlarge the claims of the original patent).

**5. Letters patent**

Original letters patent are attached.

Declaration that original letters patent lost or inaccessible is attached.

A copy of the original printed patent is attached.

NOTE: "The application may be accepted for examination in the absence of the original patent or the declaration but one or the other must be supplied before the case is allowed." 37 C.F.R. § 1.178.

NOTE: "Where the original patent grant is not submitted with the reissue application as filed, patentee should include a copy of the printed original patent. Presence of a copy of the original patent is useful for the calculation of the reissue filing fee and for the verification of other identifying data." M.P.E.P., 6th ed., rev. 2, § 1416.

NOTE: "If a reissue be refused, the original patent will be returned to applicant upon his request." 37 C.F.R. § 1.178.

**6. Petition to proceed without assignee's assent**

Attached hereto is a "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE'S ASSENT".

A.  The fee payment is authorized in the attached:

"REISSUE APPLICATION TRANSMITTAL" Form

"COMPLETION OF FILING REQUIREMENTS — REISSUE APPLICATION" Form.

B.  Payment is authorized below.

**7. Information Disclosure Statement**

Attached

Copies of the IDS citation(s) is/are attached.

**8. Priority—35 U.S.C. § 119**

Priority of application Serial No. 0 / 942,038, filed on May 3, 1994 in Finland is claimed under 35 U.S.C. § 119.

Country

The certified copy has been filed in prior application Serial No. 08/431,559 filed on May 1, 1995.

**10. Basic Filing Fee Calculation (37 C.F.R. § 1.16(h), (i) and (j))**

CLAIMS AS FILED				
Number Filed	Number Extra	Rate	Basic Fee (37 C.F.R. 1.16(h))	
			\$ 760.00	
Total Claims (37 C.F.R. 1.16(j))	24 — 20 (and also in excess of total claims in patent) 4	X \$18.00	72.00	
Independent Claims 37 C.F.R. § 1.16(i))	5 — (number of independent claims in patent)	X \$82.00	0	
Filing fee Calculation				\$ 832.00

NOTE: Multiple dependent claims are treated as ordinary claims for fee purposes. 37 C.F.R. 1.16(j).

(Reissue Application Transmittal [17-1]—page 3 of 6)

**10. Small Entity Status (if applicable)**

*NOTE: A new statement is required for the reissue, even if one has been filed in the original patent. 37 C.F.R. § 1.27(a).*

- A statement that this filing is by a small entity is  
 attached.

Filing Fee Calculation (50% of above) \$\_\_\_\_\_

*NOTE: If a statement is filed within 2 months of the date of timely payment of a fee, then the excess fee paid will be refunded on request. 37 C.F.R. § 1.28(a). Effective April 1, 1984.*

**11. Additional Fee Payments**

- Payment is being made for "PETITION TO PROCEED WITH REISSUE APPLICATION WITHOUT ASSIGNEE"  
(37 C.F.R. § 1.17(h)) ..... \$130.00

**12. Total Fees Due**

Filing Fee	\$ 832.00
Petition fee	\$ _____
<b>Total Fees Due</b>	<b>\$ 832.00</b>

**13. Method Of Payment of Fees**

- Enclosed is a check in the amount of \$ 832.00  
 Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).*

#### **14. Authorization To Charge Additional Fees**

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 16-1350:

- 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid for these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 C.F.R. § 1.17(a)(1)–(5) (extension fees pursuant to § 1.136(a)).
- 37 C.F.R. § 1.17 (application processing fees)

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

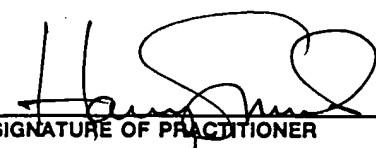
**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

**NOTE:** See 37 C.F.R. § 1.28.

#### **15. Additional Enclosures**



SIGNATURE OF PRACTITIONER

Reg. No.: 32,493

Harry F. Smith

(type or print name of practitioner)

Tel. No.: ( 203 ) 259-1800

Perman & Green, LLP

P.O. Address

Customer No.:

425 Post Road, Fairfield, CT 06430

Practitioner's Docket No. 297-005754-US(REI)

**PATENT**

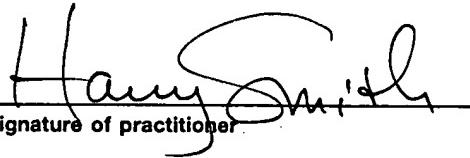
**REQUEST FOR TRANSFER OF DRAWINGS FROM ORIGINAL PATENT  
TO REISSUE APPLICATION**

Please transfer the drawings from original patent, 5,640,395, filed on  
May 1, 1995, for the invention entitled SYSTEM FOR TRANSMITTING PACKET DATA  
IN DIGITAL CELLULAR TIME DIVISION MULTIPLE ACCESS (TDMA) AIR INTERFACE

to the reissue application, the specification of which:

is attached hereto.

was filed on \_\_\_\_\_, as reissue application num-  
ber /

  
Signature of practitioner

Date: 2/22/99

Harry F. Smith

*(type or print name of practitioner)*

Reg. No.: 32,493

Perman & Green, LLP

P.O. Address

Tel. No. (203) 259-1800

425 Post Road  
Fairfield, CT 06430

Customer No.:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hamalainen et al.  
Application No.: 08 / 431,559      Group No.:  
Filed: 05/01/95

For:  
5,640,395  
Patent\*:

Examiner:

Issue Date: June 17, 1997

Reexamination No.:  
\_\_\_\_\_

Issue Date: \_\_\_\_\_

Reissue:  
\_\_\_\_\_

Issue Date: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title for patent.

**Assistant Commissioner for Patents**  
Washington, D.C. 20231

**STATEMENT UNDER 37 C.F.R. § 3.73(b)—  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

---

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10\*

with sufficient postage as first class mail.  as "Express Mail Post Office to Addressee"  
Mailing Label No. ELC01101061US (mandatory)

**TRANSMISSION**

transmitted by facsimile to the Patent and Trademark Office.

Date: 2/20/99

June Adams  
Signature

June Adams

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**NOTE:** 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, . . . , patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

**NOTE:** "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

### **IDENTIFICATION OF ASSIGNEE**

2. Nokia Mobile Phones Ltd.

Name of assignee

Corporation

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

### **PERSON AUTHORIZED TO SIGN**

3. Esko Friman

(type name of person authorized to sign on behalf of assignee)

Vice President, IPR

Title of person authorized to sign

**NOTE:** The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

(complete the following, if applicable)

- I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

## BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1.  An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at  
Reel 7563, Frame 0138
2.  An assignment (document) separately being submitted for recordal herewith.

**AND/OR**

- B.  A chain of title from the inventor(s) to the current assignee as shown below:

1. From: \_\_\_\_\_  
Name of inventor(s)

To: \_\_\_\_\_

Recorded in PTO: Reel  
\_\_\_\_\_, Frame \_\_\_\_

2. From: \_\_\_\_\_  
Name of inventor(s) or assignee

To: \_\_\_\_\_

Recorded in PTO: Reel  
\_\_\_\_\_, Frame \_\_\_\_

3. From: \_\_\_\_\_  
Name of inventor(s) or assignee

To: \_\_\_\_\_

Recorded in PTO: Reel  
\_\_\_\_\_, Frame \_\_\_\_

*(check item below, and add details, if applicable)*

- Additional documents in the chain of title are listed in the attached Supplemental Sheet.

## COPIES OF DOCUMENTS IN CHAIN OF TITLE

*(complete this item, if copies are being sent)*

- Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

A       1       2  
 B       1       2       3



(Signature of authorized person)

Esko Friman

(type or print name of authorized person)

Vice President, IPR

Title of authorized person



SIGNATURE OF PRACTITIONER

Harry F. Smith

(type or print name of practitioner)

Perman & Green, LLP

P.O. Address

425 Post Road, Fairfield, CT 06430

Reg. No.: 32,493

Tel. No.: (203) 259-1800

Customer No.:

**REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER  
(37 C.F.R. § 1.178)**

**To the Assistant Commissioner for Patents:**

1. The undersigned applicant of the accompanying reissue application for the reissue of letters patent for the improvement in SYSTEM FOR TRANSMITTING PACKET DATA IN DIGITAL CELLULAR TIME Patent number 5,640,395 granted to him/her on June 17, 1997, of which DIVISION MULTIPLE

- he/she is now sole owner,  
 Nokia Mobile Phones Ltd.

is now sole owner by assignment, and on whose behalf and with whose assent the accompanying application is made,

- The "ASSENT BY THE ASSIGNEE" to this reissue application is attached.

Date: 29 Dec 1998

J. H. H. Zwickel

**✓ Signature(s)**

Jari Hamalainen, Zhi Chun Honkasalo, Harri Jokinen  
*(type or print name(s))*

**CERTIFICATION UNDER 37 C.F.R. § 1.10\***

**(Express Mail label number is mandatory.)**

*(Express Mail certification is optional.)*

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date \_\_\_\_\_, in an envelope as "Express Mail Post Office to Addressee," service under 37 C.F.R. § 1.10, Mailing Label Number \_\_\_\_\_, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

(type or print name of person mailing paper)

**Signature of person mailing paper**

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(Reissue Application by the Inventor, Offer to Surrender (37 C.F.R. § 1.178)—Assent of Assignee  
[17-2]—page 1 of 2)

## **ASSENT OF ASSIGNEE TO REISSUE**

The undersigned, assignee of the entire interest in the above-mentioned letters patent, hereby assents to the accompanying application.

### **STATEMENT BY ASSIGNEE**

- Attached is a "STATEMENT UNDER 37 C.F.R. 3.73(b)," establishing the right of the assignee to take action in this reissue.

Date: 21 December 1998

  
\_\_\_\_\_  
Signature of assignee;  
(type or print name of signatory and title if signing  
on behalf of an entity)

Esko Friman  
Vice President, IPR  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_